THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.26310 OF 1997

DATED: 13-04-2007

Between:

S.S. Murthy

.. Petitioner

and

A.P. State Road Transport Corporation, represented by its Managing Director, Musheerabad, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.26310 OF 1997

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the 3rd and 4th respondents in deducting amounts from the salary of the petitioner, as illegal, arbitrary and violative of principles of natural justice.

It appears, the petitioner is working as Dy. Superintendent (Finance) in the A.P. State Road Transport Corporation (for short 'the Corporation'). While so, one G.Venkateswara Rao, an employee of the Corporation, obtained marriage loan, sanctioned by the 2nd respondent, in July 1994 for which the petitioner stood as guarantor. According to the terms of the loan, the said loan amount has to be recovered from the salary of the said G.Venkateswara Rao from the month of September 1994. But, till March 1996, no such recoveries were made. In the meanwhile, the said Venkateswara Rao was suspended from service and, subsequently, without issuing any notice, the respondents, abruptly, recovered a sum of Rs.551/- from the salary of the petitioner in the month of September 1997. Aggrieved by the said action of the respondents, the present writ petition is filed by the petitioner.

No counter is filed.

The learned counsel for the petitioner states that before effecting recovery, no notice of any kind was issued to the petitioner. Further it

is the fault of the management in not recovering the loan amount from the salary of G.Venkateshwara Rao from September 1994. They woke up only after the said Venkateshwara Rao was suspended from service and, thereafter, abruptly affected recovery from the month of September 1997 from the salary of the petitioner. This action of the respondents is illegal, arbitrary and in gross violation of principles of natural justice. Therefore, the impugned action of the respondents is held to be arbitrary and illegal.

It is further asserted by the learned counsel for the petitioner that the said G.Venkateswara Rao himself addressed a letter to the Corporation asking it to recover the balance amount of marriage loan, advanced to him, from his retirement benefits.

Under those circumstances, the respondents are directed not to make any recoveries from the salary of the petitioner without putting him on notice. They are further directed to recover the said loan amount from the retirement benefits of the said G.Venkateswara Rao and, for any reason, if it is not possible, the recovery may be made from the salary of the petitioner, but only after putting him on notice and passing appropriate orders in that regard.

Accordingly, the writ petition is allowed. No costs.

C.V. RAMULU, J

13th April, 2007.
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